

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 227**

Introduced by Hilgert, 7

Read first time January 11, 1999

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to veterans; to amend section 80-411, Reissue  
2 Revised Statutes of Nebraska, and section 80-403, Revised  
3 Statutes Supplement, 1998; to change eligibility  
4 provisions for veterans relief and for waiver of tuition;  
5 to harmonize provisions; to repeal the original sections;  
6 and to declare an emergency.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 80-403, Revised Statutes Supplement,  
2   1998, is amended to read:

3           80-403. (1) All money disbursed through the Director of  
4   Veterans' Affairs shall be expended by him or her in furnishing  
5   food, shelter, fuel, wearing apparel, or medical or surgical aid,  
6   or in assisting with the funeral expenses of discharged veterans  
7   who come within one of the ~~following~~ classes:

8           ~~(1)~~ All described in subsection (2) or (3) of this  
9   section.

10          (2) Such aid shall be provided upon application to  
11   veterans as defined in section 80-401.03, their widows, widowers,  
12   spouses, and their children age eighteen or younger or until age  
13   twenty-three if attending school full time, and at any age if the  
14   child was permanently incapable of self-support at age eighteen (a)  
15   who ~~may be in need of the same and (b) who shall have had five~~  
16   ~~years of continuous residence in this state immediately preceding~~  
17   ~~the date of application therefor,~~

18          ~~(2)~~ All veterans as defined in section 80-401.03 (a) who  
19   ~~were residents of this state at the time of their entry into such~~  
20   ~~military service, (b) who are legal residents of this state on the~~  
21   ~~date of such application, and (c) (b) who may be in need of such~~  
22   ~~aid. +~~

23          (3) The widows, widowers, spouses, and children age  
24   ~~eighteen or younger or until age twenty-three if attending school~~  
25   ~~full time, and at any age if the child was permanently incapable of~~  
26   ~~self-support at age eighteen, of all such veterans who may be in~~  
27   ~~need of such aid and who were (a) residents of this state at the~~  
28   ~~time their spouse or parent, who was such a veteran, so entered~~

1 such military service and from that time until the date of such  
2 application, (b) residents of Nebraska at the time of their birth  
3 and until the date of such application, or (c) married to such  
4 veterans, who were residents of this state when they entered such  
5 armed forces, and who then became residents of this state from that  
6 date, or shortly thereafter, and are such residents at the time of  
7 such application, and

8           (4) In cases in which an eligible veteran or widow or  
9 widower ~~passes away~~ dies leaving no next of kin eligible to apply  
10 for payment of expenses of last illness and burial, a recognized  
11 veterans organization may apply, on behalf of the deceased, for  
12 assistance in paying such expenses. All such payments shall be  
13 made by the director. There may be expended, for purposes other  
14 than those set forth in this section, such sum or sums as may be  
15 specifically appropriated by the Legislature for such purposes.

16           Sec. 2. Section 80-411, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           80-411. (1) The University of Nebraska, the state  
19 colleges, and the community colleges shall waive all tuition on  
20 behalf of a dependent of a veteran pursuant to this section. A  
21 person shall be eligible for the waiver if he or she meets the  
22 following requirements:

23           (a) He or she is a resident of this state and meets the  
24 appropriate institution's requirements for establishing residency  
25 for the purpose of paying in-state tuition;

26           (b) He or she has a parent, stepparent, or spouse who was  
27 a member of the armed forces of the United States and who:

28           (i) Died of a service-connected disability in World War I

1 as defined in section 80-401.01;

2 (ii) Died of a service-connected disability on December  
3 7, 1941, or subsequently until such future date as determined by  
4 the Legislature;

5 (iii) Died subsequent to discharge as a result of injury  
6 or illness sustained while a member of the armed forces which may  
7 or may not have resulted in total disability;

8 (iv) Is permanently and totally disabled as a result of  
9 military service during such periods. Permanent and total  
10 disability does not include total ratings or other temporary  
11 ratings except total ratings based on individual unemployability if  
12 permanent; or

13 (v) While a member of the armed forces of the United  
14 States, is classified as missing in action or as a prisoner of war  
15 during armed hostilities after August 4, 1964; ~~7 and either (A) was~~  
16 ~~a resident of this state at the time he or she entered the armed~~  
17 ~~forces or (B) is a resident of or is married to a resident of this~~  
18 ~~state at the time the applicant would attend a state educational~~  
19 ~~institution under this section; and~~

20 (c) If he or she is a child or stepchild of a person  
21 described in subdivision (1)(b) of this section, he or she is under  
22 the age of twenty-six years unless he or she serves on active duty  
23 with the armed forces after his or her eighteenth birthday but  
24 before his or her twenty-sixth birthday, in which case such period  
25 shall end five years after his or her first discharge or release  
26 from such duty with the armed forces, but in no event shall such  
27 period be extended beyond the thirty-first birthday.

28 ~~Residence requirements for the waiver shall be the same~~

1 as provided in section 80-403. Permanent and total disability  
2 shall not include total ratings or other temporary ratings but  
3 shall include total ratings based on individual unemployability if  
4 permanent.

5 (2) An application for a waiver shall be submitted  
6 through one of the recognized veterans organizations or any county  
7 service officer on a form to be prescribed by the Director of  
8 Veterans' Affairs. The organization or county service officer  
9 shall thoroughly investigate to determine if the applicant is  
10 eligible for the waiver and transmit a recommendation for action on  
11 the application to the director.

12 (3) If the director determines that the applicant is  
13 eligible for the waiver, the director shall so certify to the  
14 institution in which the applicant desires to enroll. The decision  
15 of the director shall, in the absence of fraud or misrepresentation  
16 on the part of the applicant, be final and shall be binding upon  
17 the applicant and upon the institutions specified in this section.  
18 The director shall adopt and promulgate reasonable rules and  
19 regulations for the administration of this section.

20 (4) The waiver shall be valid for one degree, diploma, or  
21 certificate from a community college and one baccalaureate degree.  
22 Receipt of such degree, diploma, or certificate from a community  
23 college shall precede receipt of such baccalaureate degree.

24 Sec. 3. Original section 80-411, Reissue Revised  
25 Statutes of Nebraska, and section 80-403, Revised Statutes  
26 Supplement, 1998, are repealed.

27 Sec. 4. Since an emergency exists, this act takes effect  
28 when passed and approved according to law.